

City of Northfield

Planning & Zoning Board

1600 Shore Road

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Minutes: June 7, 2007

Notice of this meeting had been given in accordance with Chapter 231 Public Law 1975, otherwise known as the Open Public Meetings Act. Notice of this meeting has been given to The Press, posted on the bulletin board in City Hall, and filed with the City Clerk, stating the date, time and place of the meeting and the agenda to the extent known.

The regular meeting of the Northfield Planning & Zoning Board, held on Thursday, June 7, 2007 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 7:30 p.m. and the following members were present:

Dr. Richard Levitt-Chairman
Clem Scharff-Vice Chairman
Mayor Frank Perri
Jimmy Martinez, Councilman-absent
Jeffrey Bruckler, City Administrator
Ron Roegiers-absent
Nick Drobomiku
Pete DaPrato
Henry Notaro
Guy Schlachter-absent
Lou Milone
Jason O'Grady

Thomas Subranni, Esq.- Solicitor
Matt Doran, PE-Engineer

There was a reading of the Sunshine Law and roll call and absent Board members are listed above. There were two items on the agenda. The first application was from Melvin and Kathleen Thompson, Block 160, Lots 15, 16 & 17 located at 104 E. Rosedale Avenue for a minor subdivision and "C" variances for lot width. The property is in the R-2 Zone. Two witnesses were sworn in-Melvin Thompson and Tiffany Cuvillo, a licensed planner. The Thompson's are represented by Thomas Darcy of Thomas Darcy & Associates in Galloway, who is also a licensed planner.

Mr. Darcy began with an overview of the variances requested. The first is for a non-conforming pre-existing condition involving floor area. The ordinance requires 1,100 square ft. for a single family one-story structure and the existing home is 1,039 square ft. The other variance is for lot width. Each of the new lots would require a variance for lot frontage. 70 ft. is required and the proposed lots are to have 60 ft. frontage. The lots are double fronted lots which also front on Cove Avenue. The lots will have square footage as follows: the lot with the home will be 8,280

square ft. and the vacant lot will be 8,190 square ft. Mr. Darcy gave an overview of the property. The property is located in the southern east side of Northfield and the Thompson's have lived there since 1992. The existing home is a single family one-story dwelling and the property consists of three 40 ft. lots combined on one tax bill. The intent is to create two 60 ft. lots. Mr. Thompson testified that he wants to build a new home on the vacant lot to better accommodate his family of four. He stated that the existing home is a starter home and he does not wish to add additions to it. Mr. Darcy stated that there are large white pine trees on the eastern boundary and the applicant is willing to make every effort to preserve these trees. Mr. Thompson agreed he would compensate for any trees removed due to safety or practical reasons. Mr. Darcy commented that there are three shade trees existing at the street and Mr. Doran would like to see one more for symmetrical reasons. He said the applicant is aware that any new runoff created due to increase in impervious coverage would have to be contained on the property. A detailed drainage plan showing water containment would be provided when permits are sought.

Dr. Levitt spoke about other applicants in the past who have removed too many trees during construction and he would like to see Mr. Doran approve any tree removal. Mr. Darcy agreed that no trees would be removed unless it is of the opinion of Mr. Doran that the trees pose an insurmountable practical or safety matter. Mr. Darcy also agreed that the trees could be shown on the detailed grading and drainage plan they are willing to submit. Mr. Darcy said they will preserve the vegetation at the rear of the property. Dr. Levitt asked if there was room for a driveway. Mr. Darcy said there are two curb cuts and that no additional curb cuts would be necessary. Mr. Scharff commented that the property backs up to the bird sanctuary. Mr. O'Grady expressed tree concerns and referred to the Shore/Mill tree removal as well as Lesley Lane. He believes stronger language regarding the trees and Mr. Doran's approval is absolutely necessary. Mr. Darcy offered that the Decision & Resolution document could become an exhibit attached to the deed for any new buyers in the future. Mr. Subramni suggested marking the trees on the plat or perhaps putting ribbons on the trees on site due to past experiences. Mr. Darcy proposed that he could make a smaller version of the plat denoting trees to be preserved and include with any deeds filed. Dr. Levitt said he would like to see an addition to the resolution if approved that any trees removed would have to be replaced. Future owners would be on notice concerning the trees in referencing the deed and its attachments and if trees are removed they would be in violation of the terms of the subdivision and would be remanded back to the Board with a plan for reforestation. Mayor Perri referred to the Landscaping and shade tree ordinance 8-33 which states that trees are required to be marked on plans if the are to be removed.

Tiffany Cuvietto, a licensed planner since 1995 who has worked part time as a planner for Galloway Township, gave testimony. She described the neighborhood as having a variety of lot width sizes, some being undersized. She said the application qualifies for a C-2 variance and gave positive and negative criteria. She stated the subdivision will keep the lots uniformly shaped and perpendicular with no jagged lot lines. Greater space would be created between the existing structure and the new structure and there is a benefit created in that by approving the application, tree removal control will be in effect. Trees will be preserved with a deed restriction in place even if the Thompson's sell. The applicants are not substantially changing the neighborhood and will remain consistent with the variety in the neighborhood.

Dr. Levitt expressed concerns that many of the homes in the neighborhood are built on multiple lots and he is concerned that subdivisions will substantially change the neighborhood. The lots in question are deep lots, but he feels that 20 feet less in width may be detrimental and excessive. Mr. Droboniku asked Mr. Doran if it would be possible for the applicant to combine lots 16 and 17 to create a conforming lot leaving lot 15 an existing non-conforming lot. Mr. Doran answered that according to state law, if the lot is undersized, it would automatically combine with the other lots (Doctrine of Merger).

Dr. Levitt opened the public session. Paul Utts of 144 E. Rosedale Avenue, Block 160 Lots 21 & 22 was sworn in by Dr. Levitt. He described present projects on Rosedale Avenue and expressed concerns about density. He doesn't feel the subdivision would be a detriment to the general welfare of the neighborhood, but worries about school capacity and tax increases. He feels it to be a downward spiral if the Board continues to approve subdivisions, but at the same time, he wants the Thompson's to have their new home. Paul Jeffries of 34 E. Rosedale, Block 160, Lot 11 was sworn in next. His home is near the Thompson property and he has no problem with the subdivision. He believes in the right to pursue the great American dream and is in full support of their project. Stephanie Baritsky of 141 E. Rosedale Avenue, Block 161, Lot 25 has lived on Rosedale Avenue for 2 and ½ years. She feels she lives on a beautiful street with nice trees and doesn't want it to change. She is worried about what the street will look like in 15 years and believes a 10 ft. deficit on each lot is excessive. She has concerns about what will be built on Lot 15 if the existing house is ever torn down. She does not support the project and feels the street is changing too much in a short time. Seeing that no one else wished to be heard, Dr. Levitt closed the public session.

Mr. Darcy summarized by stating that lot area is most important when considering lot densities and stressed that these lots are oversized. He also believes the lot width is not a substantial deviation.

Mr. Doran referred to his Engineer's report and said that all areas had been covered. The applicants will be subject to pay the \$2,500.00 recreation fee to the City Clerk prior to signing of final plat. This is for the newly created lot. Two onsite parking spaces will be required for each property prior to issuance of a CO. The report is on file with the application.

Dr. Levitt summarized the application. A copy of the Resolution will be attached to any filed deed and trees will be identified on the plat and are not to be removed unless, in Mr. Doran's opinion the trees create a safety issue or construction obstacle. Should trees be removed without approval, the owner of the lot will be required to return to the Board with a reforestation plan. If not, the owner will be in municipal violation. The shed will be relocated within proper setbacks and a 4th shade tree will be added in front on proposed lot 15. Frontages for any structure will face on Rosedale Avenue. Mr. Drobomiku made the motion and Mr. Bruckler seconded. All members present voted in favor of the subdivision with "C" variances for lot width. Chairman Levitt voted no.

Before hearing the second application, a resolution was memorialized for Dr. Ali Daneshavar. Mr. Scharff, Mr. Bruckler, Mr. Drobomiku and Mr. Notaro abstained. Mr. O'Grady made the motion and Mr. Milone seconded. The voice vote was all in favor.

The second application of the evening is from Crystal A. Aikens who resides at 2 Willow Drive, Block 94, Lot 6. She represented herself and had her proposed builder Dave Casino with her. The application is a request for "C" variances for frontage encroachment due to the construction of a second floor. The zoning is R-2.

Ms. Aikens lives with her 12 year old son as well as her parents. She wants to add an addition to the home straight upwards instead of outwards. Her home is an older ranch-style home. Dr. Levitt expressed concerns at the start that the plans resemble a duplex in a zone that only permits single family homes. The plans show 2 bedrooms on each floor, 2 laundry rooms, 2 family rooms and an outside separate entrance to the second floor. Ms. Aikens wants the family to have more room and privacy. She wants her parents to live downstairs and her son and she will be upstairs. There will be only one kitchen downstairs. She explained the upstairs deck is for entertainment and the stairs are for fire safety reasons. Dr. Levitt has concerns that if the house was sold in the future, it would become an illegal duplex. Dr. Levitt discussed eliminating the

outside 2nd floor entrance, the laundry room upstairs, and to possibly deed restrict the home by declaring it to be a single family home. Ms. Aikens wants to keep the deck, but she said she could eliminate the stairs.

Mr. Doran discussed his review. Curbs and sidewalks are in place. He questioned the parking stalls and was told by Ms. Aikens that two cars can fit in the driveway. Mr. Doran agreed that an additional stall would not be needed.

Ms. Aikens testified that her house was built in the 70's and she wants to improve it to today's standards with more space. Mr. Scharff stated that he only has a problem with the stairs. Mr. Notaro asked about the siding color. Ms. Aikens has taupe in mind and she wants to upgrade her fence.

There was no one from the public who wished to be heard.

The tree requirement was discussed and it was decided that there are substantial trees and Mr. Doran said that the grass area along Tilton Road won't support a tree. Mr. Droboniku commented that more trees on Tilton Road are not needed.

Dr. Levitt explained that Ms. Aikens will have to revise her current plans and have them approved by Mr. Doran. The plans can show the deck but not the 2nd floor entranceway with stairs. Included in revised plans will be the new layout and elevations and will include the bedroom doors. A deed restriction will have to be drawn up by an attorney and will include a restriction that no kitchen will exist on the second floor and the home will be restricted to a single family home with no additional accesses. Mayor Perri discussed the variances and said the home has pre-existing non-conformities and that the house would have to be moved to conform. Dr. Levitt commented that the home is bordered by commercial properties on Tilton Road and that a second story will help to insulate the neighborhood from noise on Tilton Road.

Mr. Scharff made the motion and Mr. O'Grady seconded. All voted in favor except Mr. Bruckler who voted no.

The meeting closed at 9:36 p.m. with a motion from Mr. Bruckler and a second from Mr. Scharff.

Respectfully submitted,

Robin Atlas, Secretary to the Board